

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C.

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Federal Communications Commission
Office of the Secretary

In the Matter of Advanced
Television Systems and Their
Impact upon the Existing
Television Broadcast Service

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MM Docket No. 87-268

**REPLY COMMENTS OF
TELEMUNDO GROUP, INC.**

Telemundo Group, Inc. ("Telemundo") hereby replies to the "Joint Broadcaster Comments" (the "Joint Comments") filed by ninety-six broadcast organizations (the "Broadcasters") in the captioned docket concerning implementation guidelines for advanced television ("ATV").

In its initial Comments, 1/ Telemundo established the critical extent to which it must rely on LPTV stations for distribution of its Spanish-language programming to 22 million U.S. Hispanics, our nation's largest minority group. In light of this dependence on LPTV outlets, and given the Commission's historic concern for service to "ethnic and minority groups with special needs," 2/ Telemundo's Comments urged the

1/ Comments of Telemundo Group, Inc., filed December 20, 1991.

2/ Telemundo Comments, page 6, citing Inquiry Into the Future Role of LPTV and Translators, 51 RR2d 476, 527 (1982).

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Commission to implement a variety of actions to avoid outright displacement of its owned and affiliated LPTV stations in the process of ATV implementation. In instances where there is insufficient spectrum to accommodate both ATV allocations for all existing broadcasters and continued operation of all low power facilities in any market, Telemundo specifically urged the Commission to "adopt a priority system favoring foreign language stations to determine which LPTV [and translator] stations should receive channels." Telemundo Comments, page 12. 3/

The Broadcasters, on the other hand, urge that "the Commission should grant translators, i.e., those stations utilized to fill in or extend the service of existing full-power broadcast stations, a priority over LPTV stations in the displacement and relocation process." Joint Comments, pages 33-35. The Broadcasters' request is both contrary to Commission policy and highly inequitable.

First, the Commission's "mandate" to assure national and local program diversity (as discussed in Telemundo's Comments, pages 4-5), would be ill-served by adoption of the Broadcasters' proposal. At the local level, by definition,

3/ Included in Telemundo's 21 low power television outlets are both stations classified as translators and stations classified as LPTV stations.

translators are simply repeaters of programming broadcast by full-power stations. Especially where such programming is already available in all or part of a translator's service area, either via broadcast or cable facilities, it would be contrary to the Commission's diversification mandate to favor the translator station, displacing a foreign-language LPTV station whose programming is not otherwise available in any part of its service area. See CJL Broadcasting, Inc., 95 FCC2d 544, 546 (1983) (stating Commission policy disfavoring use of spectrum for duplicative programming vis-a-vis a non-duplicative program source). Moreover, in terms of the Commission's interest in preserving and promoting national program diversity, Telemundo established in its Comments that if it loses access to even a few significant Hispanic markets by virtue of LPTV displacement, that could lead to lower network advertising revenues, which in turn could negatively impact the quality and/or quantity of Telemundo's network programming. Because the Broadcaster's proposal would thus disserve both local and national diversity concerns, it should be rejected.

Moreover, simple fairness requires rejection of the Broadcasters' proposal. Following allocation of ATV frequencies, a full power station with translators, which the Broadcasters seek to favor, would have access to three or more 6 MHz channels in a market: an NTSC channel, an ATV channel,

and however many translator channels presently carry its signal. The typical LPTV operator, on the other hand, controls only a single limited coverage facility in a market. Nonetheless, the Broadcasters ask that the LPTV operator be shut down entirely in the market, 4/ while the full-power station operator enjoys use of 18 MHz or more of scarce spectrum. The inequities of the Broadcasters' proposal become even more stark when it is considered that Telemundo's Hispanic audience for the most part has access to only two Spanish-language stations -- one or both of which would be displaced by implementation of the Broadcasters' proposal, while the general population served by the favored full-power stations continue to enjoy a plethora of programming from a multitude of sources.

4/ See Telemundo Comments, pages 8-9, and Exhibit 1 (comments of 9 LPTV licensees who would be forced out of business if displaced in favor of a full power station's translator).

CONCLUSION

For all these reasons, Telemundo urges that the broadcasters' proposal to favor translators over LPTV operators is both contrary to FCC policy and inherently unfair. It should be rejected, and instead the Commission should adopt a priority system favoring foreign-language operators over other low-power licensees.

Respectfully submitted,
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January 21, 1992

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CERTIFICATE OF SERVICE

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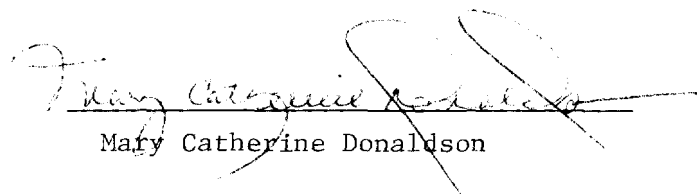
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